

रजिस्टर्ड नं० पी०/ए० एम० १४.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, ११ अक्तूबर, १९८०/१९ आश्विन, १९०२

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचनाएं

शिमला-१७१००४, ७ अक्तूबर, १९८०,

संख्या १-२४/८०-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, १९७३ के नियम १३५ के अन्तर्गत, 'दी पंजाब स्कोयरिटी आफ स्टेट (हिमाचल प्रदेश अमैन्डमेंट) बिल, १९८० (बिल नं० ११ आफ १९८०)' जो

१६३०-राजपत्र-११-१०-८०—१,००७.

(९०७)

मूल्य : २० पैसे ।

हिमाचल प्रदेश विधान सभा में, 7 अक्तूबर, 1980 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है ।

Bill No. 11 of 1980.

**THE PUNJAB SECURITY OF STATE
(HIMACHAL PRADESH AMENDMENT) BILL, 1980**

to amend the Punjab Security of State Act, 1953 (XII of 1953) as in force, in the territories added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 and as made applicable to the areas which comprised in Himachal Pradesh immediately before the 1st November, 1966, vide the Government of India Notification No. 4/6/60 Judl-II-UTL-10, dated 19-1-1960.

It enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-first Year of the Republic of India as follows:

(a) This Act may be called the Punjab Security of State (Himachal Pradesh Amendment) Act, 1980.

Short title
and Com-
mencement.

(b) It shall come into force at once.

2. After the existing section 4 of the Punjab Security of State Act, 1953, as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 and as made applicable to the areas which comprised in Himachal Pradesh immediately before the 1st November, 1966, *vide* the Government of India Notification No. 4/6/60/Jud-II-UTL/10, dated 19-1-1960, the following new section 4-A along with its heading shall be inserted, namely:—

**Insertion of
section 4-A**

“4-A. Control of camps, drills or parades.”—(1) The State Government may in the interest of public prohibit or impose such condition as may be necessary on the holding of camps, for performance of drill, parade or taking out processions etc. with or without arms or any article, weapons or implements capable of being used as arms by any class of persons or organisations whose activities are in the opinion of the State Government subversive of law and order.

(2) Any contravention of an order made under this section shall be punishable with imprisonment ~~which~~ may extend to two years, or with fine, or with both."

[illegible]

STATEMENT OF OBJECTS AND REASONS

The Punjab Security of State Act, 1953 is in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and this Act stands extended to the areas which comprised in Himachal Pradesh before the 1st November, 1966, under the Government of India Notification No. 4/6/60-Judl-II-UTL-10, dated 19th January, 1960. This Act provides for special measures to prevent activities prejudicial to the security of the State and for the maintenance of public order. Section 4 of the said Act empowers the District Magistrates to prohibit the unauthorised practice of, or participation in, any exercise, movement, evolution or drill which is either of a military nature or involves the use, or preparation for the organised use of weapons of offence. But the Act does not empower the State Government to make any such prohibition, when such prejudicial activities are either spread over an area extending to more than one district or the exercise, drill or demonstration is not of a military nature.

Activities in the form of exercises, drill, rally or demonstrations etc. cause a sense of alarm and feeling of insecurity in the minds of general masses. In order to minimise this alarm and feeling of insecurity and for the maintenance of public order it is considered necessary that the State Government be conferred the power to have effective control over such activities which are prejudicial to the security of the State and detrimental to the maintenance of public order.

The Bill seeks to achieve the aforesaid objective.

SIMLA:
The 7th October, 1980.

RAM LAL,
Chief Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

शिमला-171004, 7 अक्तूबर, 1980

संख्या 1-20/80-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत, 'दा हिमाचल प्रदेश फूट नर्सिज रजिस्ट्रेशन (अमैन्डमेंट) बिल, 1980 (बिल नं० 7 आफ 1980)' जो हिमाचल प्रदेश विधान सभा में 7 अक्तूबर, 1980 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है।

Bill No. 7 of 1980.

**THE HIMACHAL PRADESH FRUIT NURSERIES REGISTRATION
(AMENDMENT) BILL, 1980**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to amend the Himachal Pradesh Fruit Nurseries Registration Act, 1973 (Act No. 15 of 1973).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Fruit Nurseries Registration (Amendment) Act, 1980.

Short title
and
commence-
ment.

(2) It shall come into force at once.

2. For sub-section (2) of section 13 of the Himachal Pradesh Fruit Nurseries Registration Act, 1973 (hereinafter called the principal Act) the following sub-section (2) shall be substituted, namely:—

Amendment
of section 13.

“(2) The nurseryman shall, on receipt of such directions in writing, remove or destroy such plants or trees within the prescribed period, failing which the inspecting officer shall cause the same removed and destroyed at the cost of the nurseryman and the expenditure so incurred by him shall be recovered from the nurseryman as an arrear of land revenue”.

15 of 1973.

0801 to STATEMENT OF OBJECTS AND REASONS

Under section 13 (1) of the Himachal Pradesh Fruit Nurseries Registration Act, 1973, the nurseries are open for inspection by the inspecting officer and in case any fruit plant material is found infested with insects, pests and diseases, the inspecting officer may direct the nurseryman to remove and destroy the infected or infested plants within the prescribed period. Under section 13 (2), if the nurseryman does not destroy the infected plant material within the prescribed period there is every danger that the insects, pests and diseases will take chance to spread further and will prove destructive to other fruit plants in the same nursery and will also spread to other nurseries/orchards of the area. Hence on the failure of the nurseryman to destroy such plants, requisite powers are required to be given to the inspecting officer.

This Bill seeks to achieve the aforesaid object.

(1) This Act may be called the Himachal Pradesh Fruit Nurseries Registration (Amendment) Act, 1980.
 (2) It shall come into force at once.
 GUMAN SINGH,
 Minister-in-charge.

Amendment of section 13 of the Himachal Pradesh Fruit Nurseries Registration Act, 1973 (hereinafter called the principal Act) shall be substituted, namely:-

(2) The nurseryman shall, on receipt of such directions in writing, remove and destroy the infected or infested plants within the prescribed period. Failing which the inspecting officer shall cause the same to be removed and destroyed at the cost of the nurseryman and the expenditure incurred by him shall be recovered from the nurseryman as an arrears of land revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

शिमला-171004, 7 अक्टूबर, 1980

संख्या 1-22/80-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत, 'दा हिमाचल प्रदेश कोर्टस (अमैन्डमेंट) बिल, 1980 (बिल नं० 9 आफ 1980)' जो हिमाचल प्रदेश विधान सभा में 7 अक्टूबर, 1980 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है।

Bill No. 9 of 1980.

THE HIMACHAL PRADESH COURTS (AMENDMENT) BILL, 1980

INSURANCE (AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

to recommend the Himachal Pradesh Courts Act

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-first Year of the Republic of India as follows:—

Q 91. (1) This Act may be called the Himachal Pradesh Courts (Amendment) Bill, 1980. (2) Short title and commencement (Act, 1980.)

(2) It shall and shall always be deemed to have come into force on the 5th day of July, 1980.

2. In clause (a) of sub-section (1) of section 21 of the Himachal Pradesh Amendment Courts Act, 1976 (hereinafter called the principal Act) for the words "ten thousand rupees" the words "twenty-five thousand rupees", shall be 21.

3. After section 21 of the principal Act the following new section 21-A along with its heading shall be added, namely:—

“21-A. Power of the Chief Justice to transfer pending appeals and proceedings to District Courts.—The Chief Justice of the High Court of Himachal Pradesh may transfer any appeal or other proceedings, which are pending before the High Court of Himachal Pradesh immediately before the 5th day of July, 1980, to the District Court, in the State of Himachal Pradesh which would have jurisdiction to entertain such appeal or proceedings, had such appeal or proceedings been instituted or filed for the first time after the 5th day of July, 1980.”

4. The Himachal Pradesh Courts (Amendment) Ordinance, 1980 is hereby repealed. Repeal and savings.

Provided that anything done, any notification issued or any action taken under the said Ordinance shall be deemed to have been done, issued or taken under this Act, as if this Act had come into force with effect from the 5th day of July, 1980.

0891 57477 7 400171-11111

क ३४९१, लिहाइएकी नलसस ईक हए माकीर ११९ नाइकी ईईर नलामड्डी—०९ ०१-०८/९१-१ माके
माके ३ ०९ लकी) ०८९१, लकी (डमंडमंड) मलाइकीएकी प्रीक ईईर नलामड्डी नि' मांगनर क ३८१ ममकी
मांगनर कि मलाइस ईस, हुँ माग माकी लगीएइएए कि ०८९१, मलाइस ९ म नाइकी ईईर नलामड्डी नि' (०८९१
१ हुँ माग माकी लगीर प्री क हक लकी म ललए

STATEMENT OF OBJECTS AND REASONS

In order to reduce the quantum of litigation and to ensure the speedy disposal of the cases pending before the High Court, the question of enhancing the pecuniary appellate jurisdiction of the District Courts has been engaging the attention of the State Government. Owing to difficult hilly terrains and other hazards, the people hailing from the far-flung areas of this Pradesh, have to face great inconvenience and have to incur heavy expenditure in pursuing the petty matters pending before the High Court. Moreover petty matters can more conveniently be disposed of in the District Courts. As such it has been decided that the appellate jurisdiction in the matters where monetary value is less than Rs. 25,000/- should be withdrawn from the High Court and the same should be conferred upon the District Courts.

Since the Legislative Assembly was not in session and the circumstances to the satisfaction of the Governor, Himachal Pradesh, existed which rendered it necessary for him to take immediate action under clause (1) of Article 213 of the Constitution of India, the Governor of Himachal Pradesh promulgated the Himachal Pradesh Courts (Amendment) Ordinance, 1980 (1 of 1980) on the 11th June, 1980. The aforesaid Ordinance is required to be replaced by an enactment.

Minor modifications, from the legislative drafting point of view, have to be made in the aforesaid Ordinance. As such the Bill aims at replacing the aforesaid Ordinance with minor modifications.

SIMLA:
The 7th October, 1980.

RAM LAL,
Chief Minister.

FINANCIAL MEMORANDUM
Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION
Nil

STATEMENT EXPLAINING THE CIRCUMSTANCES WHICH NECESSITATED THE
MODIFICATIONS IN THE ORDINANCE NO. 1 OF 1980

The provisions contained in clause 3 of the Himachal Pradesh Courts (Amendment) Ordinance, 1980 (1 of 1980), are required to be incorporated in the principal Act. Hence the Bill which is to replace the Ordinance No. 1 of 1980 had to be modified.

शिमला-171004, 7 अक्तूबर, 1980

संख्या 1-19/80-बि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत 'दी हिमाचल प्रदेश कृषि विश्वविद्यालय (अमेन्डमेंट) बिल, 1980 (बिल नं० 6 आफ 1980)' जो हिमाचल प्रदेश विधान में 7 अक्तूबर, 1980 को पुरःस्थापित किया गया है, सर्व साधारण की सूचनाएं राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है।

Bill No. 6 of 1980.

**THE HIMACHAL PRADESH KRISHI VISHVA VIDYALAYA
(AMENDMENT) BILL, 1980**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to amend the Himachal Pradesh Krishi Vishva Vidyalaya Act, 1978 (Act No. 30 of 1978).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Krishi Vishva Vidyalaya (Amendment) Act, 1980.

Short title
and comm-
encement.

(2) It shall be deemed to have come into force on the 1st day of November, 1978.

2. For the existing sub-section (2) of section 39 of the Himachal Pradesh Krishi Vishva Vidyalaya Act, 1978 (hereinafter called the principal Act) the following sub-section (2) shall be substituted, namely:—

Amendment
of section
39.

“(2) Every teacher, officer and other employee inherited from the Himachal Pradesh University under sub-section (1) shall hold and continue to hold his office or service in the University on the same terms and conditions and with the same rights to pension, provident fund, gratuity and other matters as were admissible to him in the Himachal Pradesh University on the day immediately preceding the appointed day:

Provided that such an inherited teacher, officer and other employee shall have the right to opt for the service conditions as may be offered by the University:

Provided further that in the event of any dispute or difficulty in the implementation of the provisions of this section, the matter shall be referred to the Government, the decision of which shall be final.”

3. In section 40 of the principal Act, word ‘The occurring for the first time shall be corrected as “the” and before the words ‘the age of retirement’ the words, figures and sign “Save as provided in section 39,” shall be inserted.

Amendment
of section
40.

4. (1) The Himachal Pradesh Krishi Vishva Vidyalaya (Amendment) Ordinance, 1980 is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken, under this Act as if this Act had come into force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

Sub-section (2) of section 39 of the Himachal Pradesh Krishi Vishva Vidyalaya Act, 1978, provides that the teachers, officers and the employees of the Himachal Pradesh University working in the Agricultural Complex on and from the appointed day i.e. 1-11-1978 shall hold office or service in the Himachal Pradesh Krishi Vishva Vidyalaya on the same terms and conditions and with rights to pension, provident fund and gratuity, as would have been admissible to them in the Himachal Pradesh University and they shall continue to do so, unless and until their employment in the Himachal Pradesh Krishi Vishva Vidyalaya is duly terminated, or until their terms and conditions of service are duly altered by the said Krishi Vidyalaya. The intention of the Government for the enactment of the aforesaid provisions was to protect the service conditions of the employees of the Agricultural Complex as were on the date of incorporation of the Himachal Pradesh Krishi Vishva Vidyalaya. But it was never intended to bind the Himachal Pradesh Krishi Vishva Vidyalaya in relation to its staff inherited from the Himachal Pradesh University by the decisions which the Himachal Pradesh University may take in future in respect of the service conditions of its employees. Moreover, the provisions of section 40 are in contradiction with the aforesaid provisions of section 39 (2) *ibid*. In order to do away with the contradictory provisions in the aforesaid Act and also to empower the Himachal Pradesh Krishi Vishva Vidyalaya to determine the future terms and conditions of the staff (including the staff inherited from the Himachal Pradesh University), necessary immediate amendments were required to be made in the principal Act.

Since the Legislative Assembly was not in session and the circumstances existed which rendered it necessary for the Governor to take immediate action by promulgating an Ordinance under Article 213 (1) of the Constitution of India the Himachal Pradesh Krishi Vishva Vidyalaya (Amendment) Ordinance, 1980 (Ordinance No. 2 of 1980) was promulgated on 11-7-1980 and the same is required to be replaced by an amendment Act.

In order to make the provisions more clear, the words "teacher, officer and other" are proposed to be inserted in between the words "inherited" and "employee" occurring in the first proviso to sub-section (2) of section 39 of the principal Act, as amended by clause 2 of the said Ordinance.

This Bill seeks to achieve the aforesaid objects and to replace the aforesaid Ordinance with minor modifications.

SIMLA:

The 7th October, 1980.

SUKH RAM,
Minister-in-charge.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

शिमला-171004, 7 अक्तूबर, 1980

संख्या R-23/80-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत 'दा हिमाचल जनरल सेल्ज टैक्स (प्रमेन्डमैन्ट) बिल, 1980 (बिल नं० 10 आफ 1980)' जो हिमाचल प्रदेश विधान सभा में 7 अक्तूबर, 1980 को पुरःस्थापित किया गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है।

मुरेन्द्र प्रकाश,
सचिव।

Bill No. 10 of 1980.

THE HIMACHAL PRADESH GENERAL SALES TAX (AMENDMENT) BILL, 1980

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to further amend the *Himachal Pradesh General Sales Tax Act, 1968* (Act No. 24 of 1968).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-first Year of the Republic of India as follows:—

1. (i) This Act may be called the Himachal Pradesh General Sales Tax (Amendment) Act, 1980.

Short title and commencement.

(ii) It shall be deemed to have come into force on the 15th day of July, 1980.

2. In clause (e) of sub-section (6) of section 4 of the *Himachal Pradesh General Sales Tax Act, 1968* (hereinafter called the principal Act), for the figures “40,000” the figures “1,00,000” shall be substituted.

24 of 1968

Amendment of section 4.

3. In the existing proviso to sub-section (4) of section 12 of the principal Act—

Amendment of section 12.

(a) after the words “through a” but before the words “bank draft”, the words “crossed cheque or” shall be inserted; and

(b) for the sign “.” occurring at the end the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—
“Provided further that where the payment is made through a crossed cheque and the cheque is dishonoured, the dealer shall be deemed to have not made the payment and shall be liable to any action which may be taken for not making payment under the Act or the rules framed thereunder.”

4. (1) The *Himachal Pradesh General Sales Tax (Amendment) Ordinance, 1980* is hereby repealed.

3 of 1980

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force with effect from the 15th day of July, 1980.

STATEMENT OF OBJECTS AND REASONS

This Bill is designed to replace without any modification the Himachal Pradesh General Sales Tax (Amendment) Ordinance, 1980 (Himachal Pradesh Ordinance No. 3 of 1980) which was promulgated by the Governor, Himachal Pradesh on the 11th July, 1980 and published in the Rajpatra, Himachal Pradesh, on the 15th July, 1980, to provide relief to the small traders of this Pradesh by enhancing the sales tax assessment limit from Rs. 40,000 to Rs. one lac and to facilitate the payment of sales tax through crossed cheques by making the necessary amendments in the principal Act.

This Bill seeks to achieve the above object.

SIMLA:
The 7th October, 1980.

GUMAN SINGH CHAUHAN,
Minister-in-charge.

FINANCIAL MEMORANDUM

The provisions proposed in clause 2 of the Bill, when enacted, will provide tax relief to the small traders whose annual taxable turnover does not exceed Rs. 1,00,000. At present tax relief is available to the small traders whose annual taxable turnover does not exceed Rs. 40,000. This measure is likely to reduce the income to the State exchequer to the tune of Rs. 60,00,000 per annum.

MEMORANDUM ON DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[File No. EXN.F(10)-8/77-Excise and Taxation Department]

The Governor of Himachal Pradesh, after having been informed of the subject matter of the Himachal Pradesh General Sales Tax (Amendment) Bill, 1980, recommends under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.